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# Exploring the Nature of Anti-Federalist Thought: Republicanism and Liberalism in the Political Thought of Cato

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Christopher is currently pursuing a double major in political science and history. After graduation, he intends to undertake graduate study in political theory beginning in the fall of 2009. He developed this paper during the summer of 2008 under the supervision of Dr. Jordon Barkalow as a part of his Interdisciplinary Honors Thesis. Christopher would like to thank the Adrian Tinsley Program for Undergraduate Research and the Bridgewater State College Foundation for their generous support of his research through an Adrian Tinsley Program Summer Grant.

*Scholarship of the American founding remains divided as to the nature of Anti-Federalist political philosophy. One school of thought contends that the Anti-Federalists were the heirs of the republican tradition, while the other maintains that the Anti-Federalists operated from a liberal worldview. Thus in what manner and to what extent Anti-Federalists draw upon the republican and/or liberal political traditions remains unclear. In answering this question I examine the writings of the Anti-Federalist Cato, analyzing what conceptualizations characterize Anti-Federalist thought and from what traditions of political philosophy these ideas arose. I also analyze texts of the major traditions that may have had a formative influence on Anti-Federalist thought in order to provide a basis of comparison with the Anti-Federalists. As the Anti-Federalists played a crucial role in creating the Bill of Rights, these understandings will establish a framework for interpreting its role in American governance and jurisprudence.*

Unlike their Federalist counterparts, the nature of whose political theory is widely agreed upon, the Anti-Federalists continue to stir debate over how to characterize their political philosophy. Various interpretations have categorized the Anti-Federalists as classical republicans, modern republicans and liberals. This inability to arrive at a consensus is perhaps best illustrated by Gordon Wood's work on the subject. In *Creation of the American Republic*, Wood characterized the Anti-Federalists as traditionalists operating from a republican political worldview.<sup>1</sup> Subsequently, Wood has revised his position on the Anti-Federalists, describing the Anti-Federalists as political innovators who break from traditional republican political principals and embrace liberal ones.<sup>2</sup> These contrasting analyses are endemic of the disagreement that permeates scholarship on Anti-Federalist political philosophy. Given the diversity of opinions and lack of consensus over the nature of Anti-Federalist political thought, a more narrowly focused study that simultaneously tests for both liberal and republican influences in Anti-Federalist thought is warranted.

The opportunity for such a study is provided in the writings of the Anti-Federalist Cato. Focusing on Cato allows for a natural experiment as his political theory can be compared to three other works of political theory that present political philosophy using the motif of the Roman statesman Cato the Younger. These three Catos – Plutarch's "Life of Cato the Younger,"

Joseph Addison's *Cato: A Tragedy* and John Trenchard and Thomas Gordon's *Cato's Letters: OR, Essays on Liberty, Civil and Religious, and Other Important Subjects* – correspond to the classical republican, modern republican and liberal traditions, respectively. Implementation of this natural experiment reveals that in regards to the mechanisms required for the supervision and safe operation of government and the ills of the governors possessing interests divergent from those of the governed, the Anti-Federalist Cato operates from the basis of a liberal political theory.

### **Liberalism: An Overview**

In the liberal tradition, men preexist government and only create it for their “mutual preservation and defense,” so that they may enjoy liberty, which they possess as a natural right, and its benefits.<sup>3</sup> In order to ensure that government serves these ends, a number of safeguards are implemented by which the people can monitor their government and influence its actions. These mechanisms include numerous representatives, frequent elections and rotation in office.<sup>4</sup> Such precautions serve to bind the interests of the governors to those of the governed, which is essential to ensuring that those in government act for the benefit of the people as “most men will act for interest against duty, as often as they dare.”<sup>5</sup> This supremacy of interest over duty necessitates that government be structured in such a way as to make it in men's interest to do their duty. Hence the use of frequent elections to create constant competition among the people for elected positions.<sup>6</sup> This constant competition makes it in the interest of those in government to do their duty, as if they do not, they will simply be voted out of office in the near future.<sup>7</sup> Liberal government is thus structured so as to give the people control in ensuring that it protects their liberty instead of curtailing it.

### **Political Liberty: The Centrality of Representation**

While liberty is the great end for which government it formed, it is not a monolithic concept. Cato's understanding of liberty is twofold. The first type of liberty that Cato is concerned with is political liberty. Political liberty takes the form of freedom from government tyranny. Accordingly, Cato advocates placing numerous restrictions upon the governors that are designed to preserve the people's liberty. These protections serve to prevent the consolidation of power into one of a few hands with sufficient time to use them to establish and perpetuate despotism.<sup>8</sup> Fundamentally, these safeguards are designed to make the governors accountable and responsive to the people. This is particularly evident when Cato insists on the direct election of the executive on the grounds that otherwise “the president cannot represent you [the people] because he is not of your [the people's] own immediate choice.”<sup>9</sup> But, where that direct choice exists, accountability and responsiveness follow.

Furthermore, all citizens must possess the ability to partake in directly selecting the governors.<sup>10</sup> If not all of the citizenry are able to participate in the selection of the members of their government, than those in power would be able to perpetuate their own authority.<sup>11</sup> This continuation in power would occur by using a numerical minority to elect a government of a composition that is both favorable to the governors and not what the totality of the electorate would have chosen.<sup>12</sup> Additionally, the other fundamental manner in which these mechanisms operate is to create constant competition among those seeking office to demonstrate who among them can best serve the people as the frequency with which they must answer to the people for their actions prevents them from following their own course independent of the people's will.<sup>13</sup> Thus, the structures of government are designed specifically to maintain the people's freedom from arbitrary rule.

Despite its being formed by the consent of the governed, Cato does not see government as something that can be left alone to run its course. When it comes to preserving the ends of government, “a general presumption that rulers will govern well is not a sufficient security;” a sentiment that Trenchard and Gordon's Cato shares.<sup>14</sup> To ensure the proper operation of government, the people must supervise their government.<sup>15</sup> Perhaps the most direct way that the people are able to do this is through a participatory representation, a subject on which Cato refers his readers to the writings of the Anti-Federalist Brutus on the grounds that “this subject has been so ably and fully treated by a writer under the signature of Brutus, that I shall content myself with referring you to him thereon.”<sup>16</sup> Cato's referral serves as grounds for consideration of the two writers' views on representation in tandem, as two disciples of the same principles of representation.

Before examining the nature of representation according to Brutus, it is important to first consider the role representation plays in Brutus's conception of government. To Brutus, government has no natural right to its authority, and therefore draws its legitimacy from the consent of those who choose to form it.<sup>17</sup> The reason men decide to thus leave the state of nature by forming government is that in each individual pursuing his own ends in the state of nature, “the possessions or enjoyments of one were sacrificed to the views and designs of another; thus the weak were prey to the strong, the simple and unwary were subject to impositions from those who were more crafty and designing. In this state of things, every individual was insecure.”<sup>18</sup> To alleviate this insecurity, men consent among themselves to form government with the purpose of protecting their natural rights, including liberty.<sup>19</sup> These liberties are protected by “the whole force of the community,” which, placed in the hands of government, is used to enforce the rule of law.<sup>20</sup> To ensure that

the government is dutiful in using the rule of law to carry out its function of protecting natural rights, the people have the right to remove from government those who fail to properly protect the people's natural rights.<sup>21</sup> Accordingly, "a full and just representation of the people," the defining feature of free government, is required so that the people can exercise their will to ensure that government fulfills its purpose of protecting natural rights through the rule of law.<sup>22</sup> If such representation is lacking, "let the administration be good or ill, it still will be government, not according to the will of the people, but according to the will of the few."<sup>23</sup>

The fundamental principle upon which Brutus builds his theory of representation is that the relationship between the people and their representatives is that of principal and agent.<sup>24</sup> Representation is the mechanism by which the people "give their assent to the laws by which they are governed," and accordingly it is the function of the representatives to "declare the sentiments of the people."<sup>25</sup> This requires the representatives to know and understand the needs, wants and will of the people, "for if they [the representatives] do not know, or are not disposed to speak the sentiments of the people, the people do not govern, but the sovereignty is in a few."<sup>26</sup> That failure by the representatives to accurately carry out the will of the people, thus substituting their own will for the will of the people, shifts governance from the people to a smaller body of individuals is essential as Brutus maintains that the people consenting to the laws "is the true criterion between free government and an arbitrary one."<sup>27</sup> Consequently, representatives as agents of the people are necessary for the people to ensure that government acts in accordance with the purpose for which they established it, the preservation of their natural right of liberty. In conceiving of representative as agent, Brutus echoes the sentiment of *Cato's Letters*, where the prospering functioning of government requires that the people select "deputies, whose interest is the same with their own [sic], and whose property is so intermingled with theirs, and so engaged upon the same bottom, that principles and deputies must stand and fall together," and therefore the deputies, the representatives of the people, will act as proper agents of their principles, the people.<sup>28</sup>

The most basic mechanism for preserving such a system is annual elections. The Anti-Federalist Cato favors annual elections on the grounds that "power connected, with a considerable duration, may be dangerous to the liberties of a republic."<sup>29</sup> This danger stems from the fact that a long term in office delays the individual's accountability to the people, presenting man's ambition with the opportunity to thwart his duty.<sup>30</sup> Just as Trenchard and Gordon's Cato sees the opportunity for self-aggrandizement winning out over duty whenever the opportunity arises unaccompanied by significant consequences,

so the Anti-Federalist Cato views terms of extended duration as causing those in government to pursue their own ends instead of the will of the people.<sup>31</sup> Any time the term of office is for "any considerable time," the officeholder "*fancies that he may be great and glorious by oppressing his fellow citizens.*"<sup>32</sup> To counter such a threat, the Anti-Federalist Cato favors annual elections, asserting that, with the constant competition they create, the people "never will want [lack] men to execute whatever you [the people] could design."<sup>33</sup> The constant competition thus forces officeholders to remain continually abreast of the will of the people and carry it, and only it, into execution in order to remain in office. Therefore, annual elections, the penultimate example of the frequent elections argued for in *Cato's Letters*, by providing for short terms in office, prevent the governors from viewing their time in office as sufficiently long to allow them to aggrandize themselves at the expense of the people without fear of electoral reprisals and instead bind representatives to the will of the people as true agents.<sup>34</sup>

In order for this system to function properly, it is necessary that these agents must represent the will of the entire people.<sup>35</sup> Accordingly, more is needed than simply annual elections. Numerous representatives are required to ensure that the representative body is "capable of understanding the true interests of the society for which it acts."<sup>36</sup> Such understanding is only possible when the representatives of the people "are sufficiently numerous to be acquainted with the local condition and wants of the different districts" of the nation.<sup>37</sup> In order to be acquainted with their constituents in such a manner, it is necessary that the representatives be chosen from among the people they are to represent, because "the very term, representative, implies, that the person or body chosen for this purpose, should resemble those who appoint them—a representation of the of the people of America, if it be a true one, must be like the people."<sup>38</sup> For Brutus this means that representation should be based on the characteristics of the people.<sup>39</sup> Therefore, "the farmer, the merchant, mechanic, and other various orders of people, ought to be represented according to their respective weight and numbers" in society.<sup>40</sup> Additionally, to properly function as representatives, "the representatives ought to be intimately acquainted with the wants, understand the interests of the several orders of society, and feel a proper sense and becoming zeal to promote their prosperity."<sup>41</sup> In order to bring such a circumstance about "each class [of men] ought to have an opportunity of choosing their best informed men for the purpose [serving as representative]."<sup>42</sup> Thus, for any country, and especially one as large as the United States, representation must be numerous in order to properly represent all facets of the people and their will, for "one man, or a few men cannot possibly represent the feelings, opinions, and characters of a great multitude."<sup>43</sup>

A second major reason why annual elections must be for numerous representatives is that a small number of representatives, such as called for in the proposed Constitution, are “too few to resist the influence of corruption, and the temptation to treachery.”<sup>44</sup> Brutus concurs with Cato’s assessment, asserting with regards to the proposed size of Congress that “there will be no security in so small a body, against bribery, and corruption.”<sup>45</sup> That a majority of a quorum of the legislature has the power to legislate causes him to warn that “twenty-five men will have the power to give away all the property of the citizens of these states – what security therefore can there be for the people, where the liberties and property are at the disposal of so few men? It will literally be a government in the hands of the few to oppress the many.”<sup>46</sup> This danger is especially acute considering the power the executive can utilize to corrupt the legislature, for “this government will have in their gift a vast number of offices of great honor and emolument. The members of the legislature are not excluded from appointments; and twenty-five of them, as the case may be, being secured, any measure may carry.”<sup>47</sup> In this manner, the small size of the legislature makes it easy for the executive to corrupt them into favoring the executive’s policies regardless of the will of the people, which it is the representatives’ duty to follow. Moreover, Brutus addresses not just the former of Cato’s qualms, corruption, but also the latter, treachery. Brutus considers treachery a very real and very likely possibility on the grounds that “it is not to be expected that a legislature will be found in any country that will not have some of its members, who will pursue their private ends, and for which they will sacrifice the public good.”<sup>48</sup> Furthermore, this threat exists not from one individual, or even multiple individuals each acting alone for his own limited ends, because “men of this character are, generally, artful and designing, and frequently possess brilliant talents and abilities; they commonly act in concert, and agree to share the spoils of their country among them; they will keep their object ever in view, and follow it with constancy.”<sup>49</sup> There is thus an ever-present danger of cabals working deliberately and systematically against the interests and liberties of the people. These cabals are abetted by the small size of the legislature, as they need to secure fewer accomplices either through bribery or “where they find members [of the legislature] proof against direct bribery or gifts of offices, they will endeavor to mislead their minds by specious and false reasoning, to impose upon their unsuspecting honesty by an affection of zeal for the public good.”<sup>50</sup> Either way, the small size of the legislature aids the cabal.<sup>51</sup> Thus, for Brutus and Cato, numerous representatives are also necessary to secure the legislature against bribery, corruption and general betrayal of the public, the purpose for which they are advocated for in *Cato’s Letters*.<sup>52</sup>

Finally, to prevent the numerous, annually elected representatives from becoming an aristocracy, it is necessary that the elections create a rotation in office.<sup>53</sup> One benefit of such a rotation is that it would prevent individuals from serving so long that, despite facing elections each year, they develop, due to the habit of winning again and again, a separation from their constituency that undermines their effectiveness as agents of the people.<sup>54</sup> A rotation in office would counter this separating tendency in that it “would give opportunity to bring forward a greater number of men to serve their country, and would return those, who had served, to their state, and afford them the advantage of becoming better acquainted with the condition and politics of their constituents.”<sup>55</sup> It would thus rotate into office men who had more recently lived as constituents and accordingly have fresher understandings of the needs and will of the people and return to life as a private citizen those who had served so that they can refresh their own understandings and therefore be better representatives if they are rotated back into office. This goal for using rotation in office of reminding the representatives of the conditions of private citizens is not limited to the Anti-Federalists; it is also the rationale utilized by the Cato of *Cato’s Letters* when advocating rotation in office.<sup>56</sup>

This combination of annual elections, numerous representatives and rotation in office creates the constant competition that binds the interest of those in government to the interests of the people, the achievement of which is “the great art . . . in forming a good constitution.”<sup>57</sup> Constant competition causes governors to act in accordance with the peoples’ desires in order to retain office.<sup>58</sup> As those who seek to take the place of those in power will also have to obey the people for the same reasons, “you [the people] never will want men to execute whatever you [the people] could design;” thus the will of the people will always be served as opposed to the government being self-serving at the expense of the people.<sup>59</sup> In this manner, the annual election of numerous representatives who are frequently rotated out of office serves to bind the interests of the governors to those of the governed, which Cato considers essential as he sees government as deteriorating into tyranny when it “erects[s] an interest separate from the ruled.”<sup>60</sup> While taken together, these safeguards demonstrate that Cato’s ideal government possesses the electoral and representative safeguards called for in *Cato’s Letters*, what is even more significant is that the Anti-Federalist Cato conceives of these safeguards as acting through interests.<sup>61</sup> Not only do the Anti-Federalist Cato and the Cato of *Cato’s Letters* utilize the same mechanisms—annual elections, numerous representatives and rotation in office—but they envision them as protecting liberty in the same manner, by bringing the interest of those in government in line with the interests of the people.<sup>62</sup> It is the commonality of this underlining justification for taking similar precautions that speaks to the commonality

of the political theory of the Anti-Federalist Cato and *Cato's Letters* with regards to representation.

### **Economic Liberty**

The other type of liberty that Cato considers essential is economic liberty, the freedom to pursue and enjoy the fruits of one's labor. To this end, Cato insists that taxation be light and tariffs low, or ideally nonexistent. Of the former, he writes that "the most natural and equitable principle of apportioning taxes, would be in a ratio to their [the states'] property."<sup>63</sup> If other principles are used to assess taxation, the people will be subjected to "a long train of impositions which their [the rulers'] ingenuity will suggest" as those with power seek to prevent their lands from being taxed.<sup>64</sup> The end result will be that the people are forced to "submit to be numbered like the slaves of an arbitrary despot," while their property is taken and the wealthy rulers escape tax free.<sup>65</sup> In this manner, the free citizen is deprived of a measure of his liberty, the liberty to enjoy the benefits of his virtuous industry and frugality. Thus, when the people consent to the formation of government, it is to protect these two types of liberty, political and economic.

However, it is with regards to the results of this economic liberty that at first blush Cato can appear to be less than liberal, that is in his concern for the negative effects of commerce in relation to virtue. Cato does express concern that "the progress of a commercial society begets luxury, the parent of inequality, the foe to virtue, and the enemy of restraint."<sup>66</sup> However, upon further examination it becomes evident that Cato is a staunch advocate of free trade. He envisions tariffs as a pernicious foe of prosperity. When tariffs are imposed "the price of commodities, useful as well as luxurious, must be increased."<sup>67</sup> As a result people will buy less, causing merchants to import less and trade to stagnate.<sup>68</sup> With less trade, the import duties will yield less revenue, defeating the purpose of the tariffs, which Cato says are advocated by arguments that the revenue they produce will finance the federal government and eliminate the need for federal taxes.<sup>69</sup> Regardless, the increased prices will require increased income in order for the people to not be harmed by the tariff.<sup>70</sup> Cato thus concludes that ruin "must be the case for the farmer, whose produce will not increase, not in the ratio, with labour, utensils, and clothing; for that he must sell at the usual price or lower, perhaps caused by the decrease of trade; the consequence will be, that he must mortgage his farm, and then comes the inevitable bankruptcy."<sup>71</sup> As a result of these tariffs, the people are deprived of their liberty to the extent that the merchant is not free to trade, the consumer is not free to buy and the farmer is not free to work his lands. Thus, for Cato liberty and commerce go hand and hand, with liberty and the subsequent ability to enjoy the fruits of one's own labor a necessary condition for trade to flourish. This formulation is

essential in that it demonstrates that with regards to trade the Anti-Federalist Cato is again in concurrence with the liberalism of *Cato's Letters*, where Trenchard and Gordon's Cato considers liberty to be perquisite that trade cannot exist without.<sup>72</sup>

This concern for virtue could cause one to initially suspect a republican element to the political thought of the Anti-Federalist Cato. Evaluating such a hypothesis requires examining just what constitutes the virtue that Cato is concerned with. While Cato does not engage in an extensive discussion of what virtue is, consideration of Cato's purpose for virtue allows for the inference of what constitutes virtue for Cato. The principle purpose of virtue for Cato is that it allows for the preservation of liberty.<sup>73</sup> Accordingly, virtue exists in regards to the people's relationship with government.<sup>74</sup> Significantly, Cato conceives of the people as doing more than merely agreeing to the government as if it were some separate entity, to him they are also the ones whom the government consists of, staffing the government through constant competition as has been previously discussed.<sup>75</sup> As the government is thus composed of the people, they must possess the qualities that are required of good government. Thus, as "the magistrate should govern with wisdom and justice," and "mildness and moderation" must prevail in government, the people must possess each of these virtues.<sup>76</sup> Otherwise there is nowhere for a government staffed by the people to draw them from. In addition to staffing the government, the people also require virtue in their role of checking the government. It is the duty of the people to safeguard liberty by preventing government from acting too autonomously.<sup>77</sup> The way to do this is with constant vigilance and distrust towards those occupying the government.<sup>78</sup> Being sovereign, the people can vote out those who endanger liberty or even move to further constrain the actions available to government in order to defend their liberty. However, in order to fulfill these duties, the people must possess and cherish virtue. Armed with industry and frugality, men will naturally rally to cause of liberty; having to "acquire property by their own toil," and be thrifty with what was gained by the sweat of their brow, men will be tenacious in defense of their liberty.<sup>79</sup> But when these virtuous are undermined by "luxury, dissipation and a passion for aristocratic distinctions," liberty is "of course, less respected, and protected" by the people, making them more likely to accept tyranny.<sup>80</sup> Thus, the virtue that Cato requires from the people for the proper operation of government and defense of liberty is a multifaceted combination of wisdom, justice, mildness, moderation, vigilance, industry and frugality. Being thus broken down into its component parts makes it evident that the virtue Cato conceives of is a far cry from the self-sacrificing austerity of classical republicanism. Granted, both the Anti-Federalist Cato and Plutarch's Cato conceptualize frugality as having a role in public life, however, the Anti-

Federalist Cato lacks a constant dedication to state before self as a component of virtue. Instead, the Anti-Federalist Cato's virtue focuses on the preservation of the individual's right to liberty, an inherently liberal formulation.

## Conclusion

That the Anti-Federalist Cato makes properly structured representation the essential tool for the preservation of the people's political and economic liberty in much the same way that Trenchard and Gordon do in *Cato's Letters* demonstrates the liberal nature of the Anti-Federalist Cato's political thought. What makes this particularly fascinating is that, in light of the general agreement regarding the liberal nature of Federalist political theory, it means that the debate between the Federalists and the Anti-Federalists was not a debate between two separate schools of thought, as would be the case if the debate were between republicanism and liberalism, but was in fact a debate within liberalism. On the one hand, Anti-Federalist liberalism shows the influence of John Locke, emphasizing the preservation of the natural rights of the individual and considering the most significant threat to these rights to be government. Conversely, Federalist liberalism demonstrates the influence of the Scottish Enlightenment, viewing the greatest threat to the rights of the individual as being not government, but the people themselves. This difference is at the very core of the debate between the Federalists and Anti-Federalists, shaping their opinions with regards to the proper scope, role and structure of government, particularly whether steps are to check the government or the people. Thus, what is gleaned from the study of the Anti-Federalist Cato is that the debate between the Federalists and the Anti-Federalists was driven not by the fundamental differences between liberalism and republicanism, but by differing fundamental assumptions within liberalism.

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## Endnotes

<sup>1</sup> Gordon S. Wood, *The Creation of the American Republic: 1776-1787* (Chapel Hill: The University of North Carolina Press, 1969).

<sup>2</sup> Gordon S. Wood, "Interests and Disinterestedness in the Making of the Constitution," in *Beyond Confederation: Origins of the Constitution and American National Identity*, ed. Richard Beeman, Stephen Botem, and Edward C. Carter III, (Chapel Hill: University of North Carolina Press, 1987), 69-109.

<sup>3</sup> John Trenchard and Thomas Gordon, *Cato's Letters: OR, Essays on Liberty, Civil and Religious, and Other Important Subjects*, ed. Ronald Hamowy, (Indianapolis, IN: Liberty Fund, Inc., 1995), 411. See also 427.

<sup>4</sup> *Ibid.*, 418, 423.

<sup>5</sup> *Ibid.*, 417.

<sup>6</sup> Cato, *Letters to the Citizens of the State of New-York*, ed. Herbert J. Storing, The Complete Anti-Federalist, Vol. 2 (Chicago, IL: The University of Chicago Press, 1981), 118.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, 114, 116.

<sup>9</sup> *Ibid.*, 117.

<sup>10</sup> *Ibid.*, 125.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*, 118-119.

<sup>14</sup> *Ibid.*, 117. See also Trenchard and Gordon, 416.

<sup>15</sup> *Ibid.*, 105.

<sup>16</sup> *Ibid.*, 119.

<sup>17</sup> Brutus, *Essays to the Citizens of the State of New-York*, ed. Herbert J. Storing, The Anti-Federalist: Writings by the Opponents of the Constitution, Abridged by Murray Dry (Chicago, IL: The University of Chicago Press, 1985), 117-18.

<sup>18</sup> *Ibid.*, 118.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*, 187.

<sup>22</sup> *Ibid.*, 128.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*, 130.

<sup>25</sup> *Ibid.*, 114.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> Trenchard and Gordon, 418.

<sup>29</sup> Cato, 114.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.* See also Trenchard and Gordon, 417.

<sup>32</sup> *Ibid.* Italics original. For that portion that is in italics Cato was

quoting Montesquieu, *The Spirit of the Laws* VIII, ch. 16.

<sup>33</sup> Ibid., 118.

<sup>34</sup> Ibid., 114. See also Trenchard and Gordon, 418.

<sup>35</sup> Brutus, 116.

<sup>36</sup> Ibid., 127.

<sup>37</sup> Ibid., 116.

<sup>38</sup> Ibid., 124.

<sup>39</sup> Ibid., 125.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Cato, 119. Cato is here responding to Article I, Section 2, Clause 3 and Article I, Section 3, Clause 1 of the Constitution which respectively set the initial size of the House of Representatives at sixty-five and the initial size of the Senate at twenty-six. The size of the House of Representatives is discussed in *The Federalist* Numbers 55 and 56, while the size of the Senate is discussed in *The Federalist* Numbers 39, 45, 60, 62 and 63.

<sup>45</sup> Brutus, 126.

<sup>46</sup> Ibid. 126.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid., 128.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid., 126.

<sup>51</sup> Ibid.

<sup>52</sup> Trenchard and Gordon, 418.

<sup>53</sup> Cato, 122.

<sup>54</sup> Brutus, 189-90.

<sup>55</sup> Ibid., 190.

<sup>56</sup> Trenchard and Gordon, 423.

<sup>57</sup> Brutus, 127. It is significant to compare this great art of government, binding the interests of the representatives and the people so that the representatives will advance the interest of the people, with the great art of government articulated by John Locke in *The Second Treatise*. See John Locke, *Two Treatises of Government*, ed. Peter Laslett (New York: Cambridge University Press, 1988), 298.

<sup>58</sup> Cato, 118.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid., 125.

<sup>61</sup> Trenchard and Gordon, 418, 423.

<sup>62</sup> Ibid., 417.

<sup>63</sup> Cato, 121-122.

<sup>64</sup> Ibid., 121.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 117.

<sup>67</sup> Ibid., 121.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid., 120-21.

<sup>70</sup> Ibid., 121.

<sup>71</sup> Ibid.

<sup>72</sup> Trenchard and Gordon, 445.

<sup>73</sup> Cato, 112.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid., 118.

<sup>76</sup> Ibid., 117 and 112 respectively.

<sup>77</sup> Ibid., 125.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid., 112.

<sup>80</sup> Ibid.